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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,400	07/13/2001	Vaishali Angal	26196-702	3745

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HEIMLICH LAW
5952 DIAL WAY
SAN JOSE, CA 95129

EXAMINER

SMITH, TRACI L

ART UNIT PAPER NUMBER

3629

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/905,400

Applicant(s)

ANGAL ET AL.

Examiner

Traci L. Smith

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 and 69-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 and 69-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to papers filed on January 9, 2006.

Claims 1, 17, 22 and 69 have been amended.

Claims 1-31 and 69-71 are pending.

Claims 1-31 and 69-71 are rejected.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claim 1-31 and 69-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,134,534; Walker et al. Conditional purchase offer management system for cruises, hereinafter referred to as Walker and further in view of Non-patent literature article "XML begins to impact B2B e-commerce" Computer Economics Report, June 2000. Hereinafter referred to as XML.

4. As to claim 1 and 22 Walker teaches a system and method for
Gathering production information from multiple establishments describing the
product(C. 3 I. 19-26)

Removing the brand name(C. 7 I. 45-56)

Creating a database with only the core production information(Fig. 9a & 9b).

However, Walker fails to teach XML being used for identifying the information. XML teaches using XML language with Oracle and Microsoft databases.(Pg. 2 para D and F). It would have been obvious to one of ordinary skill in the art to combine XML with the Oracle database used by Walker to simplify the gathering of products from various establishments. This simplification removes the requirement for all establishments to maintain their databases using a common language. This allows product information to be extracted from the establishments databases regardless of how it is maintained in the home databases.

5. As to claims 2, 7 and 27 Walker teaches the core product information that is used by multiple establishments(C 3. I. 16-17).

6. As to claim 3 Walker teaches the core product information in a database(Fig. 9a).

7. As to claim 4 Walker teaches providing access to the product information(C. 5 I. 18-19).

8. As to claims 5 and 23 Walker teaches all the different information that can be counted as "core" information; including availability status, and price.

9. As to claim 6 Walker teaches information displayable in a template.(Fig. 10 a)

10. As to claims 8-10, 12-13, 15, 24-26 and 28 Walker organizing the data base in several different ways, depending on the information provided by the airlines(C. 5 l. 46-52.).
11. As to claims 11,16 and 30 Walker teaches categorizing core traits. (Fig. 9a)
12. As to claims 17 and 31 Walker teaches placing core trait information into a template to display to user.(Fig. 10a).
13. As to claim 18 Walker teaches a rule for setting priorities to the core traits.(C. 5 l. 55-57).
14. As to claims 19 and 29 Walker teaches removing information several times.(C. 9 l. 35038).
15. As to claim 20 and 21 Walker teaches a method and system of storing digital computer communication.(C. 9 l. 6-9 & 36-40). Although Walker fails to teach "XLM" language explicitly, this limitation is non-functional descriptive data as it only describes how the information is stored and not required to perform the other steps in the method nor does it change the outcome of the information that is stored.
16. As to claims 69-70 Walker teaches
 - a. Gathering production information from multiple establishments describing the product(C. 3 l. 19-26)
 - b. Removing the brand name(C. 7 l. 45-56)
 - c. Creating a database with only the core production information(Fig. 9a & 9b).
 - d. providing access to the information(C. 4 l. 18-19)(fig. 10a).

However, Walker fails to teach XML being used for identifying the information. XML teaches using XML language with Oracle and Microsoft databases.(Pg. 2 para D and F). It would have been obvious to one of ordinary skill in the art to combine XML with the Oracle database used by Walker to simplify the gathering of products from various establishments. This simplification removes the requirement for all establishments to maintain their databases using a common language. This allows product information to be extracted from the establishments databases regardless of how it is maintained in the home databases.

17. As to claim 71 Walker teaches the system being performed over a server(C. 6 I. 26-28).

Response to Arguments

18. Applicant's arguments with respect to claims 1-31 and 69-71 have been considered but are moot in view of the new ground(s) of rejection.

19. Applicant argues that Walker alone fails to teach the amended limitation of XML database. However, the new rejection teaches all limitations of the claimed invention.

20. Applicant additionally argues Walker failed to teach the hierarchical however, examiner notes C. 10 I. 52-55 teaches the uses of hierarchical database; a database of equivalent structure and capabilities of that claimed by applicant.

Conclusion

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

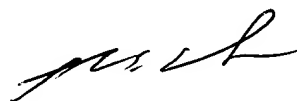
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Traci L. Smith whose telephone number is 571-272-6809. The examiner can normally be reached on Monday-Thursday 6:00 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TLS



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